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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Masayuki Takayama, et al. Examiner: Sharad Rampuria  
Application No.: 09/621,045 Confirmation No.: 4035  
Filed: July 21, 2000 Group Art Unit: 2683  
For: MOBILE TELEPHONE SET

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUN 13 2005

Technology Center 2600

**Attn: Dwayne D. Bost**  
**Special Program Examiner**  
**Technology Center 2600**

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**REQUEST FOR RECONSIDERATION OF DENAIL OF**  
**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Sir:

We are in receipt of the Decision on Petition to Withdraw Holding of Abandonment stamped with a mail date of May 6, 2005. The Decision indicates that Applicants' Petition has been denied because of the following: (1) Applicants' submission of a co-signed declaration does not provide clear indication as to the person attesting to the search of the file jacket; and (2) there is no evidence of record that John C. Garces and Wendy Nelson (the original petitioners) were ever granted power of attorney in the application and, therefore, are not the practioner of record for purposes of making the requisite statement.

Applicants would like to clarify that the original Petition and declaration filed February 17, 2005 never designated Wendy Nelson as a practioner of record in the above-identified patent application. Wendy Nelson is a docket clerk in our intellectual property department responsible for docketing incoming correspondence from the U.S. Patent and

Trademark Office before it is forwarded to the attorney assigned to prosecute the patent application. Applicants provided a co-signed declaration for purposes of indicating that both the practioner and the docket clerk are the individuals that would have had contact with the Notice of Allowance, had it been received, and thus both the practioner and the docket clerk were attesting to searching the file. At the time of filing the Petition, it was believed that John C. Garces was a practioner granted with the power of attorney in this patent application. However, it has come to our attention, after having reviewed the Power of Attorney filed August 23, 2002 in connection with this patent application, that this is not the case. We will file a Revocation of Power of Attorney with New Power of Attorney in the near future to add John C. Garces as a practioner with power of attorney in the above-identified patent application.

Accordingly, we are requesting reconsideration of this decision. Included with the Request for Reconsideration are the following: a reassertion of the information outlined in Applicants' Petition filed February 17, 2005, a Declaration of Anna Vishev (an attorney according to our records granted with the power of attorney in the above-identified patent application), and a copy of the docket record as filed with Applicants' Petition of Febraury 17, 2005.

Respectfully submitted,

Schulte Roth & Zabel LLP  
Attorneys for Applicants  
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212-756-2000

Dated: May 27, 2005  
New York, New York

By:

Anna Vishev  
Anna Vishev, Esq.  
Reg. No. 45,018



**CERTIFICATE OF MAILING  
UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence and enumerated documents are being deposited with the United States Postal Service with sufficient postage as First Class Mail on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: May 27, 2005

Name: David Toma

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "David Toma", written over a horizontal line.

Identification of documents being deposited with this correspondence:

- Request for Reconsideration ;
- Petition to Withdraw Holding of Abandonment ;
- Declaration of Anna Vishev ;
- Copy of a docket record ;
- Copy of Supplemental IDS filed 9/3/04 ; and
- Self-stamped return postcard .